No. 1888/01
Filed today 13.9.01
by Shri
M. P. State Adm. Tribunal,
RAIPUR.

(3)

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समक्ष माननीय राज्य प्रशासनिक अधिकरण मध्य प्रदेश, रायपुर (छ.ग.)

(SPS) 3784/01

ओ.ए. क्रमांक /2001

आवेदक : चतुर्भुज साहू, आयु 40 वर्ष
आत्मज श्री पुरूषोत्तम साहू,
सहायक शिक्षक,
शास. पूर्व माध्य. शाला, कोहंगाटोला,
बालोद, वि.खं. - बालोद,
जिला - दुर्ग (छ.ग.)

विरूद्ध

अनावेदकगण : (1) छत्तीसगढ़ शासन,
द्वारा - सचिव,
स्कूल शिक्षा विभाग/मंत्रालय,
डी.के.एस. भवन,
रायपुर (छ.ग.)

(2) जिला शिक्षा अधिकारी,
जिला - दुर्ग (छ.ग.)

(3) विकासखंड शिक्षा अधिकारी
विकासखंड - बालोद,
जिला - दुर्ग (छ.ग.)

NOTARY
H. C. Sharma
NOTARY (ADVOCATE)
RAIPUR DISTT.
13 SEP 2001
Madhya Pradesh.

आवेदन पत्र अंतर्गत धारा 19 मध्य प्रदेश राज्य प्रशासनिक अधिनियम.

(39)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3784 of 2005

Petitioner — Chaturbhuj Sahu

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Anupam Dubey, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Primary School, Kohangatola, Balod, District – Durg was transferred to Middle School, Bhimkahar, Block – Dondi Lohara, on the same terms and conditions vide impugned order dated 6.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 18.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 13.9.2001. By virtue of the interim order the petitioner is working at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur